

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

Swaran Singh

Vs. State of Rajasthan & Ors.

S.B.CR.MISC. PETITION NO.357/2004

DATE OF ORDER

::

August 23, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Tribhuvan Gupta for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.
Mr.R.K.Charan]
Mr.Pradeep Shah] for non-petitioners.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt.4.5.2004 passed by the Additional Sessions Judge No.3, Udaipur (for short 'the revisional court' hereinafter), whereby the revision petition filed by the petitioner against the order dt. 31.3.2003 passed by the District Magistrate (City), Udaipur (for short 'the Executive Magistrate' hereinafter), was dismissed. By order dt. 31.3.2003, the Executive Magistrate attached the land in dispute under section 146(1) Cr.P.C. and appointed a receiver. That order was

challenged before the revisional court. The revisional court maintained the order of the Executive Magistrate. However, this Court vide order dt. 11.5.2004, stayed the operation of the orders dt. 31.3.2003 and 4.5.2004. This goes to show that the property is not in the hands of the receiver.

Learned counsel for the parties submit that the order appointing receiver has not been executed by virtue of ad interim stay order of this Court dt. 11.5.2004, therefore, it would be appropriate to direct the Executive Magistrate to decide the main application filed by the parties under section 145 Cr.P.C. within a period of three months from the date of receipt of a certified copy of this order.

In this view of the matter, the orders passed by the Executive Magistrate as well as the revisional court are set aside. However, the Executive Magistrate is directed to decide the main application filed by the parties under section 145 Cr.P.C. preferably within three months from the date of receipt of the certified copy of this order.

The petition is accordingly disposed of. Ad interim stay order dt. 11.5.2004 is vacated. The stay petition also stands disposed of.

[H.R.PANWAR],J.

m.asif/-